

REMARKS

Applicant respectfully requests reconsideration of the present application, as amended.

Claims 1-18 are pending in the present application.

Claims 1-13 have been amended and claims 14-18 have been canceled. Support for amended claims 1-13 is found in the patent application as originally filed. For example, Figures 3-4 of the drawings show the cavity, the projecting platform at the base of the cavity, the light emitter mounted on the projection platform, and the coating evenly settled on and around the light emitter with in the cavity. It is submitted that the amendments to the claims do not add new matter.

The Examiner has issued a restriction requirement, and Applicant's attorney has made provisional election to prosecute claims 1-13. Thus, claims 1-13, drawn to the invention of Group I, have been examined and claims 14-18, drawn to the invention of Group II, have been withdrawn from further consideration by the Examiner. Applicant hereby confirms that the provisional election is Applicant's final decision and has canceled claims 14-18 without prejudice. Applicant reserves the right to file a divisional application with the claims 14-18.

The Examiner has rejected claim 8 under 35 U.S.C. § 112, second paragraph, as being indefinite because it contains the phrase "such as".

As stated above, claims 1-13 have been amended and claims 14-18 have been canceled. It is submitted that amended claim 8 satisfies the requirement of 35 U.S.C. § 112, second paragraph, as it does not contain the phrase "such as".

Claims 1-2, 6-8, 10-11, and 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,555,335 of Johnson ("Johnson")

in view of U.S. Patent No. 6,340,824 of Komoto et al. ("Komoto"). In addition, the Examiner has rejected claims 1, 3-13 under 35 U.S.C. § 103(a) as being unpatentable over JP patent application publication no. JP 62-235,787 (JP 62-235,787) in view of Komoto.

As described above, claims 1-13 have been amended and claims 14-18 have been canceled. It is submitted that the combination of Johnson, Komoto, and JP 62-235,787 does not render amended claim 1 unpatentable under 35 U.S.C. § 103(a).

It is submitted that the combination of Johnson, Komoto, and JP 62-235,787 does not disclose a light emitting device that has (1) a base substrate with a cavity to form a reflective cup, (2) a projecting platform at the base of the cavity, (3) a light emitter mounted on the projection platform, and (4) a coating applied over the light emitter, wherein the platform and the cavity allow the coating to be evenly settled on and around the light emitter with in the cavity (Emphasis Added).

On the contrary, none of the cited reference shows a coating layer applied to a light emitter, let alone any teaching of allowing the coating material to be evenly settled on and around the light emitter in the cavity (see Johnson Figures 4-6, Komoto all the Figures, and JP 62-235,787 Figures 1-3). As can be seen from Figures of each of Johnson, Komoto, and JP 62-235,787, none of the cited references shows a coating applied over the light emitter. Given the fact none of the references shows a coating applied to the light emitter, they also do not teach or suggest the feature of making it evenly settled on and around the light emitter within the cavity.

In contrast, amended claim 1 states in part that

a base substrate with a cavity to form a  
reflective cup;  
a projecting platform at the base of the cavity;  
a light emitter mounted on the projection  
platform;  
a coating applied over the light emitter, wherein  
the platform and the cavity allow the coating to be  
evenly settled on and around the light emitter with in  
the cavity.

(Amended claim 1)(Emphasis added).

Given that claims 2-13, as amended, depend from amended claim 1, it is likewise submitted that claims 2-13, as amended, are also patentable under U.S.C. § 103 in view of Johnson, Komoto, and JP 62-235,787.

In view of the amendments and arguments set forth herein, it is respectfully submitted that the applicable rejections and objections have been overcome. Accordingly, it is respectfully submitted that claims 1-13, as amended, should be found to be in the condition for allowance.

Respectfully submitted,

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